

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Larry Darnell Green,

Petitioner

vs.

South Carolina, State of,

Respondent.

) C/A No.0:09-3283-RBH-PJG
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ORDER

The petitioner has filed this action, *pro se*, seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The respondent filed a motion for summary judgment on May 26, 2010, pursuant to Rule 56 of the Federal Rules of Civil Procedure. (Docket Entry 22.) As the petitioner is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on May 27, 2010, advising the petitioner of the importance of a motion for summary judgment and of the need for him to file an adequate response.¹ (Docket Entry 23.) The petitioner was specifically advised that if he failed to respond adequately, the respondent's motion may be granted, thereby ending his case.

Notwithstanding the specific warning and instructions set forth in the court's Roseboro order, the petitioner has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action.

Based on the foregoing, it is

¹The court notes that the mailing containing this order was returned as undeliverable. (See Docket Entry 25.) The court further observes that the petitioner was specifically advised of his obligation to keep the court apprised of his current address and the consequences of failing to do so. (See Docket Entry 6.)

ORDERED that the petitioner shall advise the court as to whether he wishes to continue with this case and to file a response to the respondent's motion for summary judgment within fourteen (14) days from the date of this order. The petitioner is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.


Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

July 13, 2010
Columbia, South Carolina